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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,608	11/12/2004	Leif Nilsson	47253-00047USPX	7839
23932	7590	10/10/2006	EXAMINER	
JENKENS & GILCHRIST, PC 1445 ROSS AVENUE SUITE 3200 DALLAS, TX 75202		KUMAR, SRILAKSHMI K		
		ART UNIT		PAPER NUMBER
		2629		

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/509,608	NILSSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Srilakshmi K. Kumar	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 10 July 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) \_\_\_\_\_ is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

The following office action is in response to the Amendment filed on July 10, 2006. Claims 1-10 are pending. Claims 1-10 are amended.

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. (U.S. Patent No. 6,621,483) in view of Ohkubo et al. (U.S. Patent No. 5,624,117) and further in view of Applicant's Admitted Prior Art (AAPA).

With reference to claims 1 and 3, Wallace et al. teaches a method and apparatus (1) for navigating in a virtual environment provided on a display screen (see column 2, lines 46-65) wherein a member (1) for navigating in the virtual environment is controlled by applying a finger (6) of a user to the member (1); characterized in that navigating a step upwards in hierarchy of commands in the virtual environment is achieved by removing the finger from the member (1) and re-applying it to the movable physical member within a set time limit (see abstract; column 5, lines 6-33), as recited in **claim 1**. Wallace et al. also teaches with reference to **claim 3**, sensing means (2, 9) for sensing a finger (6) is applied to the user surface (5) of the member (1), wherein the sensing means is electrically connected to a timer (40) arranged to start counting when the finger (6) is removed from the user surface of the member (1) and to stop when the finger (6) is re-applied to the user surface (5) of the member (1) (see column 4, line 60-column 5, line 46; column 8, line 37-column 9, line 8).

While teaching all that is explained above there fails to be any disclosure of the member being used in a three-dimensional environment or that the member is physical movable for navigating in the three-dimensional environment.

Ohkubo et al. teaches a controller (6) which is capable of being operated in three-dimensional space and is movable in three directions corresponding to the X, Y, and Z-axis.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow movement of the input member to navigate in three-dimensional space, as taught by Ohkubo et al. in an input device similar to that which is taught by Wallace et al. in order to thereby permit additional control information to be received for better navigation in the virtual space.

Wallace and Ohkubo et al fail to teach wherein said virtual three-dimensional environment comprises a hierarchically organized menu system in the electronic device. Applicant's admitted prior art (hereinafter AAPA) on page 1, lines 22-25 of the specification teach where it is well known in the art for hierarchically structured menu system is commonly known in electronic devices, such as computers, mobile telephones, PDAs (Personal Digital Assistant), etc. It would have been obvious to one of ordinary skill in the art to include the hierarchically organized menu system in the electronic device of Wallace et al as the electronic device of Wallace et al is a computer (col. 1, lines 47-48).

With reference to **claim 2**, Wallace et al. teaches that the set time limit is below a few seconds (see column 8, line 73-column 9, line 8).

With reference to **claim 4**, Wallace et al. teaches that the sensing means comprises an IR diode (2) and an IR detector (9) arranged in such a manner that IR light is reflected from the IR diode to the IR detector by the finger when the finger is applied to or is in the proximity of the user surface of the movable physical member (see column 5, lines 47-column 6, line 4).

With reference to **claims 5-7**, Wallace teaches that the IR diode (2) and the IR detector (9) are positioned at a base of the member, and that two light guides (4, 8) extend from the base of the member to the user surface of the member (see Figure 1).

With further reference to **claims 6 and 7**, Wallace fails to specifically teach the usage of a micro switch or conductive areas. However, the examiner takes Official Notice that the usage of optical detectors, switches, conductive surface (i.e. methods of detection in touch panel device) are well known in the art for usage as well as to be interchangeable with one another.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a micro switch or conductive surface as opposed to an optical surface, as well known in the art, with a device similar to that which is taught by Wallace, thereby providing an alternative arrangement for the user to input information into the system.

With reference to **claims 8 and 10**, Wallace teaches that the electronic device, being a mobile communications device, is provided with a display adapted to graphically display at least a part of the menu system (see column 7, lines 45-49).

With reference to **claim 9**, Wallace teaches the member as a joystick type device (see Figure 1).

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

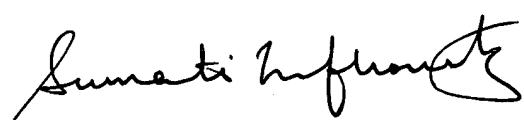
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Srilakshmi K. Kumar  
Examiner  
Art Unit 2629

SKK  
September 30, 2006



SUMATI LEFKOWITZ  
SUPERVISORY PATENT EXAMINER